IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 17825 of 2004

Between:

M.Narsimloo, S/o Laxmaiah,
NPDCL, Warangal, R/o Plot No.33, Saptagiri Nagar Colony, Rethibowli,
Mehdipatnam, Hyderabad-28.

... PETITIONER

AND

1 Chief General Manager, (HRD), NPDCL, Warangal.
2 Smt.P.Sandhya Rani, Chief General Manager (P&O),
APNPDCL, Warangal.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ order or direction more particularly one in the nature of writ of certiorari, to call for the records pertaining to the impugned Proceedings in Memo No. CGM(HRD)/GM(S)/AS(I)/F.459/PO-1/04 dated 30-8-04 passed by the Ist respondent herein and quash the same as illegal, arbitrary and in violation of principles of natural justice and consequently set-aside the same and to pass

Counsel for the Petitioner: MR.T.BAPUJI RAO

Counsel for the Respondents: MR.S.RAVINDRANATH

The Court made the following order:

ORDER:

The petitioner is working as General Manager (Projects) in the respondent company. He was communicated a provisional Seniority List on 15.06.2004 showing his name at Sl.No.4. Subsequently, a revised provisional List dated 18.06.2004 was communicated to the petitioner showing his name at Sl.No.5. The petitioner in response to the call for objections against the revised provisional Seniority List submitted a representation dated 26.06.2004 and also issued a legal notice on 12.07.2004 questioning the validity of the revised provisional list dated 18.06.2004. He further submitted a representation on 02.08.2004. The grievance of the petitioner is that the first respondent without looking into the latest G.O. issued by the Government of Andhra Pradesh in G.O.Ms.No.2 Social Welfare (SW.ROR1) Department dated 09.01.2004 passed impugned order dated 30.08.2004 confirming the petitioner's place at Sl.No.5 of the revised provisional Seniority List by mentioning about the amendment of Article-16-4(A) through 85th Amendment to the Constitution of India during the year 2001.

Learned counsel for the petitioner submits that the Government of Andhra Pradesh issued comprehensive instructions to all the concerned regarding the policy of

providing rule of reservation in promotions in favour of Scheduled Castes and Scheduled Tribes through G.O.Ms.No.2 dated 09.01.2004. Therefore, the impugned order of the first respondent cannot be sustained without referring to G.O.Ms.No.2.

In the light of the submissions made by the learned counsel for the petitioner the impugned order is verified and it is noticed that there is no reference in the impugned order about G.O.Ms.No.2 dated 09.01.2004. The impugned order dated 30.08.2004 is accordingly set aside. The first respondent is directed to pass a fresh order by taking into consideration the objections raised by the petitioner and the instructions issued by the Government of Andhra Pradesh in G.O.Ms.No.2 dated 09.01.2004 within two weeks from the date of receipt of this order and communicate the same to the petitioner.

Accordingly, the writ petition is allowed. No order as to costs.

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Dr. G. YETHIRAJULU, J

October 4, 2004

Dsk

Note:

Furnish copy in two days.

(B/o)

Dsk

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, The Chief Justice on this

Monday the Fourth day of October Two thousand and Four

To

1 Chief General Manager, (HRD), NPDCL, Warangal.

2 Two CD Copies.